

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GABRIEL FRASER,

Plaintiff,

- against -

SOMA WATER, INC.,

Defendant.

Docket No. 1:19-cv-03316-LAP

DEFAULT JUDGMENT

This matter came before the Court on plaintiff Gabriel Fraser's ("Plaintiff") motion for entry of a default judgment against defendant Soma Water, Inc. ("Defendant") under Rule 55(b)(2) of the Federal Rules of Civil Procedure. After having considered the arguments and authorities submitted by the Plaintiff, the Court finds as follows:

1. Plaintiff's first amended complaint and a summons were served on Defendant on September 6, 2019. An affidavit of service was filed with the Court on September 27, 2019. [Dkt. #9]

2. On March 4, 2020, the Clerk of the Court for the United States District Court, Southern District of New York entered a default against Defendant for failure to plead or otherwise defend this action. [Dkt. #13]

3. Defendant is not a minor, nor an incompetent person, nor a member of the military service of the United States.

4. Plaintiff filed his application for entry of default judgment seeking \$5,000.00 in actual damages for copyright infringement, \$1912.50 in attorneys' fees, and \$440.00 in costs plus interest. [Dkt. # 16-20]

5. On April 3, 2020, the Court issued an Order to Show Cause for Default Judgment ordering Defendant to file a response in writing by no later than April 17, 2020. [Dkt. # 21]

6. On April 8, 2020, Plaintiff filed a certificate of service indicating that Defendant had been properly served with the Order to Show Cause and supporting application for default. [Dkt. #22] Defendant has not filed any opposition to Plaintiff's application for default judgment.


THEREFORE, IT IS ADJUDGED AND ORDERED that Plaintiff's Application for Entry of Default Judgment is GRANTED pursuant to Fed.R.Civ.P. 55(b)(2); it is

FURTHER ORDERED that Plaintiff may commence an inquest before the assigned Magistrate Judge to determine damages; it is

FURTHER ORDERED that this Court retains jurisdiction over any matter pertaining to this judgment.

Dated: April 24, 2020

SO ORDERED.

A handwritten signature in black ink, reading "Loretta A. Preska". The signature is written in a cursive, flowing style. Above the signature is a small horizontal line.

Loretta A. Preska (U.S.D.J.)